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DATE MAILED: 03/24/2005

APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/661,028	(09/11/2003	David M. Pepper	B-4077 618504-4	6773
36716	7590	03/24/2005		EXAM	IINER
LADAS &		HELLARD CHUTE	CURTIS, CRAIG		
5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			ART UNIT	PAPER NUMBER	
	,			2872	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/661,028	PEPPER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Craig Curtis	2872				
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet wi	th the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REI THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory peri - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the may earned patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a re reply within the statutory minimum of thirt iod will apply and will expire SIX (6) MON tute, cause the application to become AB	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	•					
2a) ☐ This action is FINAL . 2b) ☒ T	his action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) 1-32 is/are pending in the application 4a) Of the above claim(s) is/are without 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-32 are subject to restriction and/	drawn from consideration.					
Application Papers						
9)☐ The specification is objected to by the Exam	iner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to t						
Replacement drawing sheet(s) including the cord 11) The oath or declaration is objected to by the	•	• • •				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the papplication from the International Bur * See the attached detailed Office action for a	ents have been received. ents have been received in A priority documents have been reau (PCT Rule 17.2(a)).	pplication No received in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date	Paper No(s	Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152) 				

Application/Control Number: 10/661,028

Art Unit: 2872

Election of Species Requirement

This application contains claims directed to the following patentably distinct species of

the claimed invention:

Species I:

Fig. 3

Species II: Figs. 4, 6

Species III: Figs. 5, 7

Species IV: Fig. 8

Species V: Fig. 9

Species VI: Fig. 10

Species VII: Fig. 10a

Species VIII: Figs. 10b, 10b-1, 10c, 10c-1

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for

prosecution on the merits to which the claims shall be restricted if no generic claim is finally

held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the

species that is elected consonant with this requirement, and a listing of all claims readable

thereon, including any claims subsequently added. An argument that a claim is allowable or that

all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of

claims to additional species which are written in dependent form or otherwise include all the

limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species. MPEP §

809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct,

applicant should submit evidence or identify such evidence now of record showing the species to

be obvious variants or clearly admit on the record that this is the case. In either instance, if the

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission

may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Craig Curtis whose telephone number is (571) 272-2311. The

examiner can normally be reached on Monday-Friday, 9:00 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217,9197 (toll-free).

Craig H. Curtis Group Art Unit 2872

17 March 2005

Audrey Chang **Primary Examiner**

Contar 2800

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